

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

CODY L. CHILDRESS)

Case No. 5:17-MJ- 9 (ATB)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of in or about 2016 through January 5, 2017 in the county of Onondaga in the Northern District of New York the defendant violated:

Code Section

18 U.S.C. § 2252A(a)(2)(A)

18 U.S.C. § 2252A(a)(5)(B)

Offense Description

Receipt and Possession of Child Pornography

This criminal complaint is based on these facts:
See Attached Affidavit of Heather Weber.

☒ Continued on the attached sheet.



Complainant's signature

Heather L. Weber, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: January 6, 2017


Judge's signature

City and State: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF HEATHER WEBER

I, Heather Weber, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI). I have been so employed by the FBI since September 2014. I am currently assigned to the Albany Division, Albany, New York. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media.

2. This affidavit is made in support of an application for a criminal complaint charging Cody L. Childress with violations of Title 18, United States Code, Sections 2252A(a)(2)(A), and 2252A(a)(5)(B) (receiving and possessing child pornography).

3. The statements in this affidavit are based in part on information provided by other FBI Agents, New York State Police Investigator Todd F. Grant and my own investigation. Since this affidavit is being submitted for the limited purpose of establishing probable cause for a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CHILDRESS has committed the crimes of receipt of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2)(A); and possession and access with intent to view child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B).

BACKGROUND OF THE INVESTIGATION

4. On April 26, 2016 and again on June 9, 2016 law enforcement officers operating in an undercover capacity were able to successfully connect to IP address 108.26.19.168 and downloaded three videos containing child pornography directly from the computer to which that IP address was assigned.

5. FBI Agents served a subpoena for subscriber information to Verizon, the service provider for IP address 108.26.19.168. On August 15, 2016, Verizon Wireless provided the FBI with the requested information and identified the IP address as belonging to a subscriber at a Liverpool, NY residence address on the date and at the time of the undercover downloads.

6. Through investigation, it was learned that the subscriber had thereafter moved to a Jamesville, NY residence address.

7. On January 5, 2017, Inv Todd Grant and I went to that Jamesville, New York and address. There, defendant CODY CHILDRESS agreed to speak with us, and provided consent to search his computer.

8. During the interview, CHILDRESS admitted that he knowingly searches for and downloads child pornography using the eMule peer to peer file sharing software, and that he has been doing so for the past 3 – 4 years. Inv Grant showed CHILDRESS the videos law enforcement was able to download from his eMule account, and CHILDRESS recognized one of the videos as one that he had searched for, downloaded, and viewed. The video, titled “Boy 15yo Very Nice Dick! Lolitaguy Pthc Pedo.avi,” is of a juvenile male, whose age is consistent with the title of the video, masturbating in front of his computer.


9. CHILDRESS estimated that he currently possesses between 40-50 videos containing child pornography in his downloads folder on his personally owned laptop computer. I

reviewed three of these videos with CHILDRESS. The first video, titled "7 yo boy+manFucked By Dad 1- Preteen Pedo Gay Kiddy.wmv," is of a prepubescent male, whose age is consistent with the title of the video. The video depicts the child being anally penetrated by and performing oral sex on an adult male. The second video, titled "8yo 9yo 10yo 5 little gay boys young boylovers fuck suck boyorgie pthc kdv.mpg," depicts prepubescent boys, whose ages are consistent with the title of the video, performing sexual acts on each other. The third video, titled "[m+b] gay guy molests 5 yo boy (man, boy, boylove, toddler, anal, pedo, gay).avi," depicts a prepubescent male, whose age is consistent with the title of the video, being anally penetrated by an adult male. CHILDRESS admitted to searching for, downloading, and viewing these videos for sexual gratification.

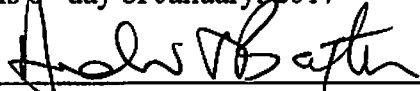
10. The videos referenced above are available for the Court's review upon request.

CONCLUSION

11. Based upon the above information, there is probable cause to conclude that CODY CHILDRESS has knowingly received child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, in violation of 18 U.S.C. § 2252A(a)(2)(A); and has knowingly possessed and accessed with intent to view child pornography that had been transported using any means of interstate and foreign commerce and in and affecting such commerce, and that was produced using materials which have been so transported, in violation of 18 U.S.C. § 2252A(a)(5)(B).


Heather L. Weber
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me
this 6th day of January, 2017

A handwritten signature in black ink, appearing to read "Andrew T. Baxter", written over a horizontal line.

HON. ANDREW T. BAXTER
UNITED STATES MAGISTRATE JUDGE